REMARKS

Claims 1-69 are pending in the application.

By this Office Action, the Examiner has required restriction to one of the following inventions under 35 U.S.C. §121:

Group I.	Claims 1-6, drawn to a method for detecting a presence of a translocation promoting agent.
Group II.	Claims 7-9, drawn to a method for identifying a viral envelope glycoprotein binding to the translocation promoter agent.
Group III.	Applicants respectfully point out that this Group number was inadvertently omitted by the Examiner.
Group IV.	Claim 10, drawn to an assay for screening a drug.
Group V.	Claims 11-13, drawn to a kit for demonstrating a presence of a translocation promoting agent.
Group VI.	Claims 14-18, drawn to a method of prevention and/or treatment.
Group VII.	Claims 19-21, drawn to a pharmaceutical composition comprising CC-CKR5.
Group VIII.	Claims 22-26, drawn to a transgenic non-human mammal.
Group IX.	Claims 27-33, drawn to a transformed cell line.
Group X.	Claims 34-36, drawn to an antisense DNA molecule and a cell line comprising the same.
Group XI.	Claim 37, drawn to an assay for selecting a therapeutic agent by using a transformed cell line.
Group XII.	Claim 38, drawn to an assay for selecting a therapeutic agent by using a transgenic animal.
Group XIII.	Claims 39-40, drawn to a method of filtering a biological fluid.
Group XIV.	Claims 41-47, drawn to a transformed mammalian cell comprising a chemokine receptor.
Group XV.	Claims 48-52, drawn to a method for identifying a human chemokine.
Group XVI.	Claims 53-56, drawn to a method for identifying a drug that interferes with the HIV entry.

Group XVII. Claims 57-60, drawn to a method for identifying an antibody.

XVIII. Claim 1-65, drawn to a nucleic acid encoding a chimeric translocation promoting agent.

XIX. Claims 66-67, drawn to a method of making an identifiable cell. (Applicants respectfully point out that the Examiner has referred to this group as group XIV, rather than Group XIX.)

XX. Claims 68-69, drawn to a chimeric translocating promoting agent.

Upon electing any of Groups XIV-XVII, a further restriction to one of the following inventions is required under 35 U.S.C. 121:

1) The chemokine receptor is CC-CKR1.

2) The chemokine receptor is CC-CKR2A.

3) The chemokine receptor is CC-CKR2B.

4) The chemokine receptor is CC-CKR-3.

5) The chemokine receptor is CC-CKR-4.

6) The chemokine receptor is CC-CKR5.

7) The chemokine receptor is CXC-CR4.

Responsive to the Requirement for Restriction, Applicants elect to prosecute the invention of Group XVI, claims 53-56, drawn to a method for identifying a drug that interferes with HIV entry, with traverse. In addition, Applicants further elect to prosecute the chemokine receptor of Group 6) CC-CKR5, without traverse.

Applicants respectfully request reconsideration of the Requirement for Restriction, or in the alternative, modification of the Restriction Requirement to allow prosecution of more than one group of claims designated by the Examiner in the present Application, for the reasons provided as follows.

Under 35 U.S.C. §121 "two or more independent and distinct inventions ... in one Application may ... be restricted to one of the inventions." Inventions are "'independent'" if "there is no disclosed relationship between the two or more subjects disclosed" (MPEP 802.01). The term "'distinct'" means that "two or more subjects as disclosed are related ... but are capable of separate manufacture, use or sale as claimed, AND ARE PATENTABLE

OVER EACH OTHER" (MPEP 802.01) (emphasis in original). However, even with patentably distinct inventions, restriction is not required unless one of the following reasons appear (MPEP 808.02):

1. Separate classification
2. Separate status in the art; or
3. Different field of search.

Further, under Patent Office Examining Procedures, "[i]f the Search and Examination of an entire Application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions" (MPEP 803, Rev. 8, May 1988) (emphasis added).

Applicants respectfully submit that the groups designated by the Examiner fail to define compositions and methods, with properties so distinct as to warrant separate Examination and Search. Claims 53-56, of elected Group XVI, which are drawn to methods for identifying a drug that interferes with the translocation of HIV into a transformed mammalian cell, are fundamentally related to claims 1-6 of Group I, drawn to a method of detecting the presence of a translocating agent and to claim 10 of Group IV, drawn to an assay for screening a drug. In addition, claims 27-33 of Group IX, drawn to a transformed cell line, and claims 41-47, of Group XIV drawn to a transformed cell line comprising a chemokine receptor are also fundamentally related to the elected claims of Group XVI. In particular, the claims of these groups are related to particular cell lines employed for carrying out the methods. For example, the method of identifying a drug, as covered in claims 53-56 of elected Group XVI, involves the steps of contacting cells infected with HIV in the presence or absence of a drug followed by detecting a reporter gene as a means of assessing the activity of an active drug candidate. Claims 1-6 of Group I involve methods for identifying a translocating agent that upon binding to a cell allows for entry of a macrophage-tropic virus (such as HIV) and claim 10 of Group IV involves an assay method for screening drugs that modulate the production of a translocating agent. Furthermore, claims 27-33 of Group IX and claims 41-47 of Group XIV are drawn to cells used in the methods for identifying such agents and drugs that modulate entry of HIV into the cells. In fact, claim 53 from the elected group is dependent on claim 41, the transformed cell line used in the method for identifying drugs that interfere with HIV entry. Since the claims in all of these groups contain components common to each other, Applicants assert that the search for any of the

methods separately classified by the Examiner as the invention of Group XVI would require an additional search of the identical classes and subject matter wherein the claims of Groups I, IV, IX and XIV are classified, thus resulting in a duplicate search for the same material. Thus, Applicants submit that the Search and Examination of the entire Application, or, at least, of Groups I, IV, IX and XIV with Group XVI can be made without serious burden, and therefore the Examiner should examine all of the claims of the Application on the merits.

The Examiner's assertions to the contrary notwithstanding, Applicants respectfully submit that conjoint examination and inclusion of all of the claims of the present Application would not present an undue burden on the Examiner, and accordingly, withdrawal of the Requirement for Restriction, or, at the least, modification to include the claims of Groups I, IV, IX and XIV with the claims of elected Group XVI is in order.

Fees

No additional fees are believed to be necessitated by the foregoing Response. However, should this be erroneous, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment, or credit any overages.

Conclusions

In view of the above, withdrawal of the Requirement for the Restriction is requested, and an early action on the merits of the claims is courteously solicited.

Respectfully submitted,

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